

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE WALLACE,	:	CIVIL NO. 1:CV-09-1858
	:	
Plaintiff	:	
	:	
v.	:	
	:	
HARLEY G. LAPPIN;	:	
C. MAIORANA; and	:	
MR. POTTER, Paramedic,	:	
	:	
Defendants	:	

MEMORANDUM

On September 28, 2009, Plaintiff filed a complaint pursuant to 28 U.S.C. § 1331. On October 7, 2009, Plaintiff was granted leave to proceed without pre-payment of the filing fee and a summons was issued. On October 14, 2009, Plaintiff sent a letter to the court requesting that certain amendments be made to the complaint. The court refused to accept the amendments as filed. Plaintiff was advised that an “amended complaint must be complete in all respects. It must be a new pleading which stands by itself as an adequate complaint without reference to the complaint already filed.” *Young v. Keohane*, 809 F. Supp. 1185, 1198 (M.D. Pa. 1992).

By order dated October 16, 2009, Plaintiff was granted leave to amend his complaint consistent with the order. The amended complaint was to be filed no

later than November 2, 2009. No amended complaint was filed by that date; therefore, on November 9, 2009, this court issued an order stating that the case would proceed on the original complaint.

On November 27, 2009, this court received a motion for reconsideration from Plaintiff in which he requested additional time to file the amended complaint. By order dated December 1, 2009 the request was granted. Plaintiff filed an amended complaint but, in doing so, failed to place the docket number on the complaint and failed to identify the document as an “amended complaint.” This filing was given a new docket number (4:09-CV-2210) and assigned to a different judge.

Ultimately, the complaint docketed to number 4:09-CV-2210 was dismissed and on December 30, 2009, he filed an amended complaint to this captioned number. The amended complaint was found to be deficient and by memorandum and order dated January 21, 2010, Plaintiff was granted leave to file a second amended complaint by February 3, 2010. Once again, Plaintiff was given detailed instructions and case law on what constitutes an appropriate complaint and an amended complaint. Plaintiff did not file the second amended complaint by February 3, 2010 and, consequently, the case was dismissed.

On March 22, 2010, Plaintiff advised the court that he did not receive the memorandum and order dated January 21, 2010. The action was reinstated and Plaintiff was given to April 15, 2010 to comply with the January 21, 2010 memorandum and order. That order, in addition to previous orders, advised Plaintiff that an amended complaint shall be a new pleading which stands by itself and shall be complete in all respects.

On April 16, 2010, Plaintiff filed an amended complaint in which he names as Defendants Harley G. Lappin, C. Maiorana, and Parmedic Potter. This action will proceed only against those Defendants. An appropriate order will be issued.

s/Sylvia H. Rambo
United States District Judge

Dated: April 19, 2010.

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HARLEY G. LAPPIN;	:	
C. MAIORANA; and	:	
MR. POTTER, Paramedic,	:	
	:	
Defendants	:	

ORDER

In accordance with the accompanying memorandum, **IT IS HEREBY**

ORDERED THAT:

- 1) The Clerk of Court shall prepare the summons.
- 2) The United States Marshal shall serve the second amended complaint and summons on the three Defendants named above.
- 3) Defendants shall respond to the second amended complaint within sixty (60) days of the date of service.

s/Sylvia H. Rambo
United States District Judge

Dated: April 19, 2010.